1		The Honorable Barbara Jacobs Rothstein	
2			
3			
4			
5			
6			
7			
8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON		
9	ATSEA	ATTLE	
10	STATE OF WASHINGTON,	NO. 2:19-01502-BJR	
11	Plaintiff,	STIPULATED ORDER EXTENDING PROHIBITION AGAINST DEFENDANTS'	
12	v.	OBLIGATION OF FUNDS AUTHORIZED TO BE APPROPRIATED FOR NAVAL	
13	DONALD J. TRUMP, in his official capacity as President of the United States of	BASE KITSAP PRIOR TO A DECISION BY THIS COURT	
14	America, et al.		
15	Defendants.		
16			
17	STIPULATION		
18	WHEREAS the State of Washington has filed this suit to enjoin Defendants' use of funds		
19	authorized to be appropriated by Congress for military construction projects, including \$88.96		
20	million in funding for construction of the Bangor Pier and Maintenance facility at Naval Base		
21	Kitsap (see John S. McCain National Defense Authorization Act for Fiscal Year		
22	2019, Pub. L. No. 115-232, § 2201, 132 Stat. 1636 (2018));		
23	WHEREAS the Court previously entered a Stipulated Order Establishing Briefing		
24	Schedule for Expedited Resolution of this Case and Prohibiting Defendants' Obligation of Funds		
25	Authorized to be Appropriated for Naval Base Kitsap Prior to a Decision by this Court (Dkt.		
26	# 11);		
11		'	

WHEREAS that Order "prohibited [Defendants] from obligating, using, or otherwise placing beyond the limits of judicial process any portion of the \$88.96 million authorized to be appropriated by Congress for the Bangor Pier and Maintenance Facility prior to February 1, 2020"; and

WHEREAS the Parties agree that, to give the Court more time to prepare a final decision, this prohibition should be extended until March 1, 2020;

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, that this Court should enter an order providing that:

1. Defendants are prohibited from obligating, using, or otherwise placing beyond the limits of judicial process any portion of the \$88.96 million authorized to be appropriated by Congress for the Bangor Pier and Maintenance Facility prior to March 1, 2020. This prohibition is enforceable through a court order.

1	It is SO AGREED this 28th day of January 2020.	
2		IOCEDII II IIIINT
3	ROBERT W. FERGUSON Attorney General	JOSEPH H. HUNT Assistant Attorney General
4		JAMES M. BURNHAM
5	/s/ Andrew R.W. Hughes MARTHA RODRIGUEZ LOPEZ, WSBA	Deputy Assistant Attorney General ALEX HAAS
6	#35466 ANDREW R.W. HUGHES, WSBA #49515	Director, Federal Programs Branch
7	BRENDAN SELBY, WSBA #55325 Assistant Attorneys General	ANTHONY J. COPPOLINO
8	800 Fifth Ave., Ste. 2000 Seattle, WA 98104	Deputy Director, Federal Programs Branch
9	TERA HEINTZ, WSBA #54921	/s/ Andrew I. Warden
10	Deputy Solicitor General PO Box 40100	ANDREW I. WARDEN (IN Bar 23840-49)
11	Olympia, WA 98504-0100	Senior Trial Counsel, Federal Programs Branch
12	Attorneys for Plaintiff	MICHAEL J. GERARDI
13		KATHRYN C. DAVIS LESLIE COOPER VIGEN
14		RACHAEL L. WESTMORELAND Trial Attorneys
15		United States Department of Justice Civil Division, Federal Programs
16		Branch 1100 L St., NW, Rm. 12212
17		Tel: (202) 616-5084 Fax: (202) 616-8460
18		E-mail: Andrew.Warden@usdoj.gov
19		Attorneys for Defendants
20		
21		
22		
23		
24		
25		
26		

1 **ORDER** Having reviewed the foregoing stipulation and good cause appearing therefore, IT IS 2 **HEREBY ORDERED:** 3 1. Defendants are prohibited from obligating, using, or otherwise placing beyond 4 the limits of judicial process any portion of the \$88.96 million authorized to be appropriated by 5 6 Congress for the Bangor Pier and Maintenance Facility prior to March 1, 2020. This prohibition 7 is enforceable through a court order. 2. To facilitate expedited and efficient final resolution of this case, the Court will 8 9 endeavor to issue a decision on the Parties' cross-motions for summary judgment on or before March 1, 2020. 10 11 3. In the event the Court notifies the parties that the Court is unable to issue a decision before March 1, 2020, or in the event the Court has not issued a decision by February 12 19, 2020, Plaintiff may move for an extension of the Order to prohibit the obligation of the funds 13 at issue until the Court issues a decision on the cross-motions for summary judgment. In the 14 event Plaintiff requests such an extension, Defendants may oppose Plaintiffs' motion on any and 15 all grounds, other than on the basis that the extension should not be granted because the expected 16 17 obligation date is not imminent. 18 IT IS SO ORDERED. 19 DATED this 31st day of January 2020 20 21 22 Barbara Jacobs Rothstein 23 U.S. District Court Judge 24 25

26